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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/315,680 05/20/99 NICHOLLS

P 7210-000001/

EXAMINER

TM02/0925

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POINTVILLE

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/315,680

Applicant(s)  
PETER NICHOLLS ET AL

Examiner  
Frantzy Poinvil

Art Unit  
2164

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/5/01 and 8/27/01
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-89 and 99 is/are allowed.
- 6) ☒ Claim(s) 90-98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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*Reissue Applications*

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 90-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. (US Patent No. 4,799,156) considers with Canna, Elizabeth, "A supermarket for transport services".

As per claims 90-98, Shavit et al discloses a system for on-line interactive transactions between independent users or clients and freight service providers on a network system. Note figure 2 and the abstract. Shavit also discloses that a plurality of client devices may access a remote database and/or service provider using a public network (column 5, lines 15-65) and the system 50 makes available options to permit shopping for available space on desired routes as advertised by various freight carriers. Clients having a client application and being connected to the network may inquire and book carrier services and receive immediate confirmation. Note column 6, lines 52-66 of Shavit. Providing a set of rules by which a shipper ships would have been obvious to one of ordinary skill in the art since different shippers ship based on many criteria.

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As per the claimed rate server, providing a rate server connected to a network having these set of rules would have been obvious to the skilled artisan for providing easy access to a user or client. The freight service providers act as a supervisory unit which is connected to the network, communicate messages between the rate servers and the remote clients, and facilitate communication messages between the rate server and the client application based on a predefined set of rules. Applicant is directed to column 16, lines 50-68 of Shavit. The clients communicate with the rate server via the server interface. Note column 5, line 15 to column 6, line 66.

Moreover, Canna discloses a method for interacting carriers and shippers via a central server or the Encompass system. Canna also discloses connecting shippers and carriers to the Encompass system. The Encompass system allows shippers to select carriers. Note pages 1-3 of the article. Thus, the shippers includes rules for which the shipper ships and the carriers includes rules for which the shipper ships. The supervisory facilitates communication between the rate server and the client application independently of the supervisory server system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Canna with Shavit et al in order to provide an easier means for shippers to select a carrier as stated by Canna.

In the communication of Shavit et al and Canna, communication takes place across a network. The rate server, the client and the supervisory server may run on a single processor would have been obvious to the skilled artisan since such would not affect the functions of the respective rate server,, client server and supervisory server.

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3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Allowable Subject Matter*

4. The prior art taken alone or in combination fails to teach or suggest “at least one supervisory server for integrating operations on said rate server, and for making said operations accessible to said client application, said supervisory server having message processing means for sending messages to and receiving messages from said rate server and said client application and for handling messages sent and received based upon a predefined set of rules” taken in combination with a logistics management tool as recited in independent claims 1 and 13.

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The prior art taken alone or in combination failed to teach or suggest a supervisory server through which the rate server and the client application register to establish a mutual message communication capability by which the rate server and the client application thereafter pass messages independently of the supervisory server over an interface between as recited in independent claim 27.

The prior art taken alone or in combination failed to teach or suggest "at least one supervisor server for making said operations of said rate server accessible to said client application, said supervisory server being connected to said network for sending messages to and receiving messages from said rate server and said client application and for handling messages sent and received based upon a predefined set of rules" taken in combination with a logistics management tool as recited in independent claim 42.

The prior art taken alone or in combination failed to teach or suggest a supervisory server connected to the network with which the rate server and the client application register to facilitate communication of messages between the rate server and the client application independently of the supervisory server as recited in independent claim 71.

The prior art taken alone or in combination failed to teach or suggest at least one supervisory server including at least one computer configured to provide registration services to facilitate communication between the rate server and the client via a client/server architecture utilizing an inter-process communication as recited in independent claim 86.

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5.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP

20Sep01

*FPoinvil*  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 2164**